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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

DONNIE LEE THOMAS

CIVIL ACTION NO. 09-cv-610; SEC.P

VERSUS

JUDGE JAMES T. TRIMBLE, JR.

ROBERT LEE, ET AL.

MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED THAT Plaintiff's civil rights claim be and is hereby **DENIED** and **DISMISSED WITH PREJUDICE** as frivolous and failing to state a claim for which relief could be granted under 28 U.S.C. §1915(e)(2)(b); and, Plaintiff's negligence claim is hereby **DENIED** and **DISMISSED WITHOUT PREJUDICE**.

THUS DONE AND SIGNED, at Lake Charles, Louisiana, this 2<sup>nd</sup> day of December, 2009.

James Trimble, Jr.  
JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE